

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Civil Transfer Application No. 20 of 2021

Date	Order with signature of Judge
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For hearing of main case :

14.12.2021 :

Mr. Faisal Ahmed A. Memon, advocate for the applicants.
Respondents 3 & 4 called absent.

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It is contended that the parties have filed applications under Section 25 of the Guardians and Wards Act, 1890, against each other regarding the custody of their minor son Muhammad Ameen, which applications are subjudice before two different Family Courts despite the fact that the parties and the subject matter therein are the same. It is stated that G & W Application No.2117/2019 (Muhammad Amir V/S Mst. Shazia and another) is pending before the XVIIIth Family Judge Karachi Central, whereas G & W Application No.1518/2020 (Mst. Shazia V/S Muhammad Amir and others) is pending before the IIIrd Family Judge Karachi Central. Through this Civil Transfer Application, the applicants have prayed that any one of the aforesaid applications be transferred in such a manner that both the applications are heard and decided by the same Court in order to avoid inconvenience to the parties and passing of conflicting orders / judgments.

The record shows that the notices issued by this Court were received by respondent No.3 on two occasions, but she has chosen to remain absent. In the above circumstances, particularly when two separate G & W Applications involving the same parties and subject matter are subjudice before two different Family Courts, the prayer made in this transfer application appears to be fully justified. Accordingly, the learned District Judge Karachi Central is directed to transfer any one of the above mentioned G & W Applications in such a manner that both the said G & W Applications are heard and decided by the same Family Court. Let this order be communicated forthwith to the learned District Judge Karachi Central for compliance.

The instant Civil Transfer Application stands disposed of in the above terms with no order as to costs.

J U D G E